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April 17, 2009

**VIA Hand-Delivery**

The Honorable Charles L. A. Terreni  
Chief Clerk and Administrator  
The Public Service Commission of South Carolina  
101 Executive Center Drive  
Columbia, South Carolina 29210

Re:   • Formal Complaint of Carolyn L. Cook  
      • April 2, 2009, correspondence from ORS's Counsel  
      • **Hearing Request Pursuant to § 58-5-270, S.C. Code Ann. (1976, as amended)**

Dear Mr. Terreni:

As you know, Mrs. Carolyn L. Cook, (hereinafter, "Mrs. Cook") filed a Complaint with the Public Service Commission of South Carolina, (hereinafter, "Commission") against Alpine Utilities, Inc., (hereinafter, "Alpine"). After receipt of the Complaint, your staff properly referred the Complaint to the South Carolina Office of Regulatory Staff, (hereinafter, "ORS"), pursuant to § 58-5-270.

Thereafter, on April 2, 2009, counsel for the ORS filed responsive correspondence with this Commission. ORS' proposed resolution of the Complaint is not satisfactory to Mrs. Cook. Accordingly, and pursuant to § 58-5-270, Mrs. Cook renews her request for a hearing before this Commission. "If a Complaint is not resolved to the satisfaction of the Complainant, [after referral to the ORS] the Complainant may request a hearing before the Commission." See § 58-5-270.

This Commission has broad and overwhelming jurisdiction to hear customer Complaints. "...by petition in writing, setting forth any act or thing done, or admitted to being done, with respect to which, under the provisions of Art. 1, 3, and 5 of this Chapter, the Commission has jurisdiction or is alleged to have jurisdiction." (Emphasis supplied) See § 58-5-270.

**ORIGINAL**

As you know, Mrs. Cook has alleged that this Commission has jurisdiction to hear this Complaint, which is all that is required by § 58-5-270. “...**the Commission has jurisdiction or is alleged to have jurisdiction.**”

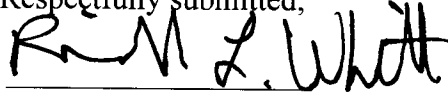
Additionally, this Complaint should be heard by this Commission because this Commission has express authority to hear it pursuant to § 58-5-10, § 58-3-140, § 58-5-210, § 58-5-270, § 58-5-290, and § 58-5-300.

South Carolina case law provides very strong support for the broad jurisdiction of this Commission. See the two cases cited by Alpine’s counsel in previous filings before this Commission: Kiawah Property Owners Group v. Public Serv. Comm’n of S.C., 359 S.C. 105, 109, 597 S.E.2d 145, 147 (2004) (“The PSC is a government agency of limited power and jurisdiction, which is **conferred either expressly or impliedly by the General Assembly.**”) (emphasis added); City of Camden v. Public Service Comm’n of S.C., 283 S.C. 380, 382, 323 S.E.2d 519, 521 (1984) (“The Public Service Commission is a governmental body of limited power and jurisdiction, and has only such powers as are **conferred upon it either expressly or by reasonably necessary implication by the General Assembly.**”) (emphasis added)

The following cases are especially pertinent to this case, “The duty to fix a reasonable rate for a service performed by a public utility rests solely with the Public Service Commission and cannot be delegated by the Commission to the courts.” Carolina Water Service, Inc. v. South Carolina Public Service Commission, 248 S.E.2<sup>nd</sup> 924 (S.C. 1978). “Under statute governing Public Service Commission correction of improper utility rates, [§ 58-5-290] Commission has continuing power to prospectively correct or reduce previously approved charge.” Porter v. South Carolina Public Service Com’n, 493 S.E.2<sup>nd</sup> 92 (S.C. 1997). After a hearing under § 58-5-290, reference would be made to R. 103-533.3 for the willful overcharge allegation.

Based on the foregoing, Mrs. Cook requests that her Complaint be set for hearing before this Commission.

Respectfully submitted,



Richard L. Whitt

Jefferson D. Griffith, III

Counsel of Record for Carolyn L. Cook

cc: Certificate of Service  
RLW/jjy

BEFORE  
THE PUBLIC SERVICE COMMISSION  
OF SOUTH CAROLINA  
DOCKET NO. 2008-360-S

RECEIVED  
2009 APR 17 PM 3:19  
PUBLIC SERVICE  
COMMISSION

IN RE:

Happy Rabbit, LP on Behalf of,  
Windridge Townhomes,  
  
Complainant,  
  
v.  
  
Alpine Utilities, Inc.,  
Respondent


CERTIFICATE OF SERVICE

I, Jessica Yun, an employee of Austin & Rogers, P.A., certify that I caused to be delivered a copy of Happy Rabbit's Hearing Request Pursuant to § 58-5-270, S.C. Code Ann. (1976, as amended) in this Docket and Carolyn L. Cook's Complaint and Happy Rabbit's Reply to Alpine Utility Inc.'s Response to Happy Rabbit's Motion to Amend Complaint, in the above referenced matter as indicated below, via Hand Delivery as addressed below, or e-mail on April 17, 2009.

Attorney Benjamin P. Mustian  
930 Richland Street  
Columbia S.C., 29201  
**Via Hand-Delivery**

Nanette S. Edwards, Esquire  
**Via e-mail**

Austin & Rogers, P.A.

  
Jessica Yun

Columbia, South Carolina  
April 17, 2009

**COPY**